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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,935	07/17/2003	Paul Anthony Ashley	AUS920030327US1	2329
63400	7590	05/13/2009		
IBM CORP. (DHJ) c/o DAVID H. JUDSON 15950 DALLAS PARKWAY SUITE 225 DALLAS, TX 75248			EXAMINER DINH, MINH	
			ART UNIT 2432	PAPER NUMBER
			MAIL DATE 05/13/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/621,935	Applicant(s) ASHLEY ET AL.	
	Examiner MINH DINH	Art Unit 2432	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5,7-10,12,14-17,19 and 21-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5,7-10,12,14-17,19 and 21-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This office action is in response to the amendment filed on 01/21/09. Claims 1, 8 and 15 have been amended; new claims 22-27 have been added.

Response to Arguments

2. Applicant's arguments filed 01/21/09 have been fully considered but they are not persuasive. Applicant argues that in Kilkkila (6,854,060), the system does not obtain "state information" about the "commands" listed in the access right profiles (see page 11 of the Remarks, top paragraph). The authorized commands in Kilkkila represent authorization to utilize the system's processing power to perform various tasks. Therefore, utilization rate of system, which is used to determine the availability of the commands (col. 2, lines 28-48), are interpreted as state information about the authorized resource. Kilkkila also discloses that remote sessions (i.e., remote system access using a network) are authorized resources, and changes are made to session duration and/or number of sessions held based on the state information of the authorized resource (i.e., utilization rate of network and/or system) (col. 2, lines 28-50)

Claim Rejections - 35 USC § 101

3. Claims 1-3 and 5 are rejected under 35 U.S.C. 101 as not falling within one of the four statutory categories of invention. While the claims recite a series of steps or acts to be performed, a statutory "process" under 35 U.S.C. 101 must (1) be tied to a particular

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machine, or (2) transform underlying subject matter (such as an article or material) to a different state or thing. See page 10 of In Re Bilski 88 USPQ2d 1385. The instant claims are neither positively tied to a particular machine that accomplishes the claimed method steps nor transform underlying subject matter, and therefore do not qualify as a statutory process. The recited steps are broad enough that the claim could be performed mentally, verbally or without a machine nor is any transformation apparent.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3, 5, 7-10, 12, 14-17, 19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kilkkila (US 6,854,060) in view of Burke et al. ("Simulation In A Distributed Mobile Switching Center Environment"). Kilkkila discloses a method for dynamically modifying an access right profile including a set of user authorized resources in a telephone switching system (Abstract).

Regarding claims 1, 8 and 15, Kilkkila specifically discloses a method for restricting access to a set of resources comprising:

determining a set of authorized resources for which a user is authorized to access, i.e., defining access right profile for a user in a phone switching system (fig. 2, step 20; col. 2, lines 22-27);

obtaining state information about the set of authorized resources, i.e., obtaining information about the phone switching system and its resources, e.g., time of day and number of users, system utilization rate, network utilization rate, etc. (col. 2, lines 29-50);

evaluating availability of the set of authorized resources by comparing the state information about the set of authorized resources against a configurable rule associated with one or more resources in the set of authorized resources, i.e., comparing the obtained state information against a condition/limit/threshold specified in a rule in the access right profile, and determining if there is a need to modify the set of authorized resources, e.g., when there are more users at day time, when the system utilization rate exceeds a threshold, when an alarm situation arises, when user's session duration, number of operations used/sessions held exceed a limit, etc. (fig. 2, steps 21-24; col. 4, lines 20-62);

in response to evaluating availability of the set of authorized resources using the configurable rule, generating a list of a set of entitled resources for the user, wherein the set of entitled resources is a subset of the set of authorized resources, i.e., modifying the access right profile such that less access rights are authorized (fig. 2, step 25; col. 2, lines 9-15; col. 4, lines 20-62);

preventing the user from accessing resources that are in the set of authorized resources but that are not in the set of entitled resources, i.e., allowing the user to access only resources in the set of entitled resources (col. 4, lines 20-62).

Kilkkila does not disclose utilizing the phone switching system in a distributed environment. Burk discloses utilizing phone switching systems in a distributed environment (Abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the phone switching system in a distributed environment, as taught by Burk. Distributed systems have the potential to permit growth many times the size of an individual unit within that system.

Regarding claims 2, 9, and 16, Kilkkila further discloses sending an indication of the set of entitled resources to the user, i.e., requests to access resources not in the set of entitled resources are not authorized (col. 4, lines 20-62).

Regarding claims 3, 10 and 17, Kilkkila further discloses responding to requests for the user to access the set of entitled resources (col. 4, lines 20-62).

Regarding claims 5, 12 and 19, Kilkkila further discloses considering user attributes of the user while evaluating availability of the set of authorized resources (col. 2, lines 22-37).

Regarding claims 7, 14 and 21, Kilkkila discloses gathering state information using a monitoring application. Kilkkila does not disclose gathering state information using a distributed monitoring application; however, it would have been obvious by the combination of using Kilkkila's switching system in Burk's distributed environment to use a distributed monitoring application for gathering state information.

6. Claims 22-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kilkkila in view of Burke as applied to claims 1, 8 and 15 above, and further in view of Grainger (US 2002/0161733).

Regarding claims 22, 24 and 26, Kilkkila does not disclose providing the user with a web page including only URI for resources that the user can access. Grainger discloses providing a user with a web page (i.e., a home page) including only URI for resources that the user can access (par. 0053-0054). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combined method of Kilkkila and Burke to provide the user with a web page including only URI for resources that the user can access, as taught by Grainger. The motivation for doing so would have been to let the user know what can or cannot be accessed.

Regarding claims 23, 25 and 27, Kilkkila does not disclose providing users with access to different resources according to their status. Grainger discloses providing users with access to different resources according to their status, i.e., roles (par. 0052-0054). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combined method of Kilkkila and Burke to provide users with access to different resources according to their roles, as taught by Grainger. An advantage of role-based access control is efficient management of access to resources.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 7,434,257 to Garg et al.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to MINH DINH whose telephone number is (571)272-3802. The examiner can normally be reached on Mon-Fri: 10:00am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Minh Dinh/
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